

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES S. TATE, JR., M.D.,)	2:09-CV-01748-JAD-NJK
)	
Plaintiff,)	
)	
vs.)	
)	MINUTES OF THE COURT
UNIVERSITY MEDICAL CENTER)	
OF SOUTHERN NEVADA)	
)	
Defendant.)	DATED: <u>12/13/2016</u>

PRESENT: HONORABLE JENNIFER A. DORSEY, UNITED STATES DISTRICT JUDGE

DEPUTY CLERK: DANIELLE CACCIABAUDO REPORTER: FELICIA ZABIN

COUNSEL FOR PLAINTIFF(S): JACOB HAFTER, JOHN ALDRICH

COUNSEL FOR DEFENDANT(S): MATTHEW DUSHOFF, MICHAEL DAVIDSON, DAVID EDELBLUTE, ALSO SEATED AT COUNSEL TABLE: ANNE MARIE LANDIS (PARALEGAL), JAMES CONWAY, (UMC REPRESENTATIVE), SHANE GODFREY

PROCEEDINGS: Jury Trial - Day 5

9:00 A.M. Court convenes outside the presence of the jury. Counsel advises the Court that the parties have stipulated to defendant's exhibits 189 (redacted) and 199.

9:18 A.M. The jury enters the courtroom. **MARTIN FAKIEL**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Exhibit 147** is marked, but not admitted. Mr. Dushoff conducts cross examination. Mr. Hafter conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

BILLY JONES, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter. **Exhibit 120** is marked and admitted into evidence.

10:30 A.M. The jury is admonished and excused for the morning break. Court stands at recess.

10:47 A.M. The Court reconvenes in the presence of the jury. **Billy Jones** resumes the stand on continued direct examination by Mr. Hafter. **Stipulated exhibit 189 is admitted into evidence. Exhibits 191, 103, 26, 34, 38, and 198 are marked, but not admitted into evidence. Exhibit 100 is marked and admitted into evidence. Stipulated 1056 is admitted into evidence.**

12:05 P.M. Jury is admonished and excused for the lunch break. Court stands at recess.

1:00 P.M. Court reconvenes outside the presence of the jury. The Court and counsel review the heresay objections to plaintiff's exhibits. **The Court orders that pages marked "TATE 64 and 65" of exhibit 38 will be admitted. Exhibit 82 will not be admitted. Court reserves ruling as to exhibit 191.**

The Court DENIES plaintiff's OBJECTIONS re LR IB 3-1 or MOTION for District Judge to Reconsider Order re 335 Order on Motion [ECF 355]. Plaintiff's exhibit 150, video of Dr. Tate at Board of County Commissioner's Meeting, is excluded from evidence.

Counsel advises the Court that because all of the exhibits in the joint exhibit list, excluding exhibit 1083 [ECF 305] have been stipulated to, should be admitted into evidence. **The Court orders that all of the joint exhibits, excluding exhibit 1083, are now admitted into evidence.**

1:50 P.M. **Billy Jones**, having previously been sworn in, resumes the stand in the presence of the jury on further direct examination by Mr. Hafter. Mr. Dushoff conducts cross examination. Mr. Hafter conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

2:40 P.M. **MAURICE GREGORY**, is called on behalf of the Plaintiff, is sworn and testifies on direct examination by Mr. Hafter.

3:00 P.M. Jury is admonished and excused for the afternoon break. Court stands at recess.

3:15 P.M. Court reconvenes in the presence of the jury. **Maurice Gregory**, having previously been sworn in, resumes the stand on direct examination by Mr. Hafter. Mr. Dushoff conducts cross examination. Mr. Hafter conducts redirect examination. Mr. Dushoff conducts recross examination. Witness is excused.

4:41 P.M. Jury is admonished and excused for the evening.

The Court and counsel review the remaining witnesses and trial schedule outside the presence of the jury.

4:45 P.M. Court adjourns.

Jury Trial continued to Wednesday, December 14, 2016 at 9:00 A.M. in Courtroom 6D before Judge Jennifer A. Dorsey.

LANCE S. WILSON, CLERK
United States District Court
By: /s/
Danielle Cacciabauda, Deputy Clerk